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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,845	09/29/2003	Ian Beverly	07012-0100 33,001A	3709
4157	7590	03/23/2004	EXAMINER	
ALAN RUDERMAN MILLER AND MARTIN 1000 VOLUNTEER BUILDING 832 GEORGIA AVENUE CHATTANOOGA, TN 374022289			IZAGUIRRE, ISMAEL	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 03/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/673,845

Applicant(s)

BEVERLY, IAN

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***SPECIFICATION***

#### ***Headings***

Applicant is asked to take note the preferred arrangement and headings directed to a specification: except for the title, each of the lettered items should preferably be preceded by the headings indicated below.

- (a) Cross-Reference to Related Application(s) (if any).
- (b) Background of the Invention.
  - 1. Field of the Invention (or Technical Field).
  - 2. Description of the Related Art (or Background Information or Background Art)
- (c) Summary of the Invention (or Disclosure of Invention).
- (d) Brief Description of the Drawing(s).
- (e) Description of the Preferred Embodiment(s)
- (f) Claim(s).
- (g) Abstract of the Disclosure (or Abstract).

Providing the above would place the specification in accordance with the suggestions of those portions of MPEP §§ 601 or 608.01 concerning "proper headings".

#### ***Informalities***

The specification is objected to because of the following informalities:

On page 4, line 15, there is a reference to figure 1 and there is no figure 1. This should be replaced by a reference to figures 1A-1D. Appropriate correction is required.

### ***CLAIMS***

#### ***Summary***

Claim 1 is the independent claim under consideration in this Office Action.

Claims 2-4 are the dependent claims under consideration in this Office Action.

***Claim Format***

A claim should begin with a Capital letter and end in a period. Claims 1-4 end with two periods. Steps should be taken so as to correct this discrepancy.

***Claim Rejections - 35 U.S.C. § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, lines 3-4; the words "the blade on one side of the blade" have no clear meaning.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Simons (358,490).

Simons teaches a tufting needle including a shank (figure 6, middle embodiment), a longitudinal axis, an eye and point portion. The eye is connected to the blade and terminates in a point and where a shoulder is provided at the junction of the

eye and point portion. Further the needle is taught as having a substantially uninterrupted surface intermediate the eye and the shank.

Claims 1,2 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Card (2,975,736).

Card teaches a tufting needle 11 being driven up and down in a tufting machine (figure 1) including a shank, a longitudinal axis, an eye and point portion. The eye is connected to the blade and terminates in a point and where a shoulder is provided at the junction of the eye and point portion. Further the needle is taught as having a substantially uninterrupted surface intermediate the eye and the shank.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Card in view of Beyer et al. (4,563,961).

Card discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Card teaches a tufting machine including a needle movable up and down and cooperating with a loop taker 18

for forming tufted loops. However, Card does not suggest the needle as including a lead-in chamfer, which is at least one half the width of the blade.

Beyer et al. teach a tufting needle for use in a tufting machine. The needle is taught as including an eye and point portion. The eye is connected to the blade and terminates in a point and where a shoulder is provided at the junction of the eye and point portion. Further, the needle includes a lead-in chamfer 14 (figure 4) for allowing cooperation with a loop taker.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the needle of Card as including a lead-in chamfer. Providing such a chamfer would allow the close and/or smooth cooperation with the loop taker assuring properly formed loops or tufts.

### ***DRAWINGS***

Figures 1A through 2A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wignall, Sibley, Jr., and Bledsoe illustrate needles including uninterrupted surfaces intermediate the eye and the shank.

***INQUIRIES***

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0861.

Any inquiry concerning this communication or earlier communications directed to the examiner should be directed to Mr. Ismael Izaguirre at (703) 308-0892 located in CP2-4B18, Monday through Friday 9:30am to 6:00pm.



**Ismael Izaguirre  
Primary Examiner  
Group Art Unit 3765**